THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.17749 OF 1995

DATED: 12-09-2006

BETWEEN

S. Prem Kumar,
S/o.S.Shanker Rao,
Occ: Unemployee,
R/o. Gasmandi, Secunderabad.

…PETITIONER

AND

South Central Railway Employees
Co-operative Credit Society Limited
Secunderabad,
Rep.by its Secretary,
Himmatnagar, Secunderabad.

…RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent – Cooperative Society in appointing certain casual sweepers – cum – peons pursuant to the notification of the respondent society dated 02.04.1993 as illegal and arbitrary and seeks a direction to the respondent to select him to the post of casual sweeper – cum – peon.

Learned counsel for the petitioner submits that the petitioner applied to the post of casual sweeper – cum – peon but no communication was sent to him, more so, some other persons have been appointed without calling him for the interview.

The petitioner questions the selection process of some other persons but it is not stated as to who are the persons who have been selected.

Counter has been filed stating that the respondent is a cooperative society registered under the Andhra Pradesh Cooperative Societies Registration Act, 7 of 1984 and the society is entitled to appoint casual as well as regular peons. It is further stated that the respondent – society is not an instrumentality of the State but it is purely a private body and its byelaws and proceedings are not statutory and therefore, no writ can be issued. It is further stated that as no regular recruitment took place a few candidates have been selected as casual peons purely on temporary basis and their services are terminable at any point of time.

As no regular selection has been made, I am of the opinion that the petitioner is not entitled to question temporary selection. The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

September 12, 2006
DSK